

GERALDINE CAPOBIANCO JONES, RHYS E. JONES, SR. MD,
LIAM JONES, RHYS E. JONES, JR., PRO SE
170 Valley Road
Montclair, NJ 07042
randgjones@aol.com

JONES et al

Plaintiffs,

v.

THOMPSON et al

Defendants.

US DISTRICT COURT OF NJ
VICINAGE OF CAMDEN
CIVIL ACTION

DKT No.1:23-CV-04557-KMW-EAP

NOTICE OF MOTION
TO VACATE STAY

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Please take notice that Plaintiffs move this Court at the first available date for an Order to Vacate the Stay placed on all proceedings by Magistrate Judge Elizabeth Pascal on October 17, 2023 and to restore the case to the active case list, for US District Court Docket No. 1:23-cv-04557- KMW-EAP and will rely upon the Affirmation of Geraldine Capobianco Jones annexed hereto.

A proposed Order is also being filed.

DATE: 2-21-2025

Respectfully submitted,

Geraldine Capobianco Jones

Geraldine Capobianco Jones, Pro Se

Rhys Evan Jones Sr. M.D.

Rhys Evan Jones, Sr. MD, Pro Se

Liam Jones

Liam Jones, Pro Se

Rhys Jones Jr.

Rhys Jones, Jr., Pro Se

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MOTION TO VACATE STAY

ORDER

IT IS, this _____ day of _____, 2025, I hereby **ORDER** and
DECREE that the **MOTION** to **VACATE** the **STAY** placed on all proceedings for
US District Court Docket No. 1:23-cv-04557- KMW-EAP is **GRANTED** and the
matter is restored to the active list.

J.

GERALDINE CAPOBIANCO JONES, RHYS E. JONES, SR. MD,
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**AFFIRMATION IN SUPPORT
OF MOTION TO VACATE STAY**

I, Geraldine Capobianco Jones, a Plaintiff in the above-referenced matter, affirm and certify as follows:

1. On October 2, 2023, Plaintiffs requested a Stay until after the conclusion of the pending criminal trial in Cumberland County Superior Court where all Plaintiffs are defendants, and the Stay was granted on October 17, 2023.

Subsequent thereto, the case was Administratively Terminated on September 17, 2024 due to delays in dismissal or completion of the criminal case, and placed on the inactive case list.

2. Plaintiffs, as defendants in the criminal case, have repeatedly sought since their first hearing after the incident subject to the criminal case occurred on June 22, 2021 for the State to give them a trial, allow PTI which they all qualify for and

had been directed by all Judges, or to dismiss the case. The current judge ordered the current prosecutor to allow PTI again, and to present PTI Orders to the Court for signature over 7 months ago but failed to do so repeatedly, even though the Plaintiffs have waited over 3 and a half years for any resolution to the case.

3. The Plaintiffs were denied PTI for the second time on January 3, 2025, even though they were told by the prosecutor they would all receive PTI that day. Geraldine's attorney then requested an explanation from the prosecutor for the second denial. The judge then disclosed that at a hearing on December 6, 2024, the prosecution acknowledged they have been delaying the case because of the pendency of the civil rights and tort claims litigation ("Tort Claim") in this Court.

4. The judge then noted that the State had offered the Plaintiffs as defendants in the criminal case, a Quid Pro Quo at the December 6th hearing, demanding they drop the Tort Claim to receive PTI. As defendants in the criminal case, they are eligible for PTI without having to take any plea and expungement after one year, which should have been granted over three years ago. The judge also observed that such a conditional PTI offer may be considered an "abuse of discretion" by the prosecutor.

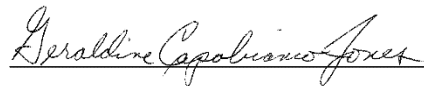
5. The judge scheduled the criminal trial for March 3, 2025; directed that the prosecution provides certain long sought discovery; and authorized the defendants and their counsel to file Motions to Dismiss the Criminal Complaint and

Indictment. On February 7, 2025, Plaintiffs, as defendants in the criminal case, filed a Motion to Dismiss the Criminal Complaint and Indictment.

6. In light of expectations that the criminal court case will soon be dismissed on the Motions to Dismiss by the Plaintiffs and their attorneys or by a trial verdict, Plaintiffs request that the Stay on the Federal case be Vacated and the case be restored to the active list to allow the Federal case to proceed ahead as soon as possible.

Date: 2-21-2025

Respectfully submitted,

A handwritten signature in cursive script, reading "Geraldine Capobianco Jones". The signature is written in dark ink and is positioned below the "Respectfully submitted," text.

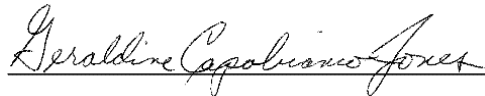
Geraldine Capobianco Jones, Pro Se

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CERTIFICATION

I, Geraldine Capobianco Jones, Plaintiff in this matter, certify that the facts set forth in the foregoing Affirmation are true and correct to the best of my knowledge, information and belief. The foregoing statement is made subject to any penalties relating to unsworn falsification to authorities.

Date: 2-21-2025

A handwritten signature in cursive script, reading "Geraldine Capobianco Jones", is written over a horizontal line.

Geraldine Capobianco Jones, Pro Se